

REMARK

Upon entry of the present response, claim 1 will have been amended. No other claims will have been amended, canceled or submitted for consideration. The above noted amendments to claim 1 will not have been made in view of the prior art and thus should give rise to no prosecution history estoppel.

In view of the herein contained amendment, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection set forth in the official action, together with an indication of the allowability of all of the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to make of record a telephone interview conducted in the present application. The above noted interview was conducted of December 28, 2009. Applicants' undersigned representative respectfully thanks Examiner Sterrett for his courtesy and cooperation in scheduling and conducting the above noted interview as well as for his efforts in advancing the present application towards allowance.

During the above noted interview, the Examiner indicated that claim 1, and inherently those claims dependent thereon, were directed to nonstatutory subject. The Examiner also suggested terminology that could be utilized to render such claims statutory.

Because it was not possible to confirm the acceptability of the Examiner's suggested language, the Examiner issued the outstanding official action in which a rejection under 35 USC 101 was asserted against claim 1 and the claims dependent thereon.

Applicants' representative sincerely regrets the inconvenience caused by not being able to approve the suggested language and thus requiring the issuance of the outstanding official action. Nevertheless, Applicants, by their undersigned representative, thank the Examiner for his proactive stance as well as for his patience and cooperation in the above noted matter. The Examiner's actions will serve to expedite the advancement of the present application towards issue and are thus sincerely appreciated.

In the outstanding official action, the Examiner rejected claims 1-3, 5, 9 and 16-18 under 35 USC 101. The Examiner asserted that the invention claimed is directed to nonstatutory subject matter. The Examiner further indicated that in order to pass muster under 35 USC 101 a process must either be tied to another statutory class or transform underlying subject matter to a different state or thing.

As noted above, and particularly in view of the suggestions made during the above noted interview, by the present response, Applicants have amended claim 1 so as to recite another statutory class to which it is tied. In particular, by the present response, Applicants have revised claim 1 to recite, inter alia, that at least some of the method steps are performed by using at least one of the processors. In view of the above, Applicants respectfully request withdrawal of the outstanding rejection.

In the outstanding official action, the Examiner explicitly indicated that claims 19-22, 24, 28 and 35-38 are allowed. The Examiner additionally indicated that claims 1, 2, 3, 5, 9, and 16-18 would be allowable if rewritten or amended to overcome the rejection under 35 USC 101.

The Examiner's indication is noted with acquiescence and appreciation.

In the outstanding official action, the Examiner included a statement of reasons for the indication of allowable subject matter. In this regard, Applicants note that while they do not disagree with any of the statements made by the Examiner in the statement, they also note that each of the claims in the present application recites a combination of features and that the patentability of each claim is also based upon the totality of the features recited therein. Accordingly, the reasons for allowance should not be limited to those set forth in the Examiner's statement of reasons for the indication of allowable subject matter.

Accordingly, Applicants respectfully request withdrawal of the outstanding rejection and issuance of a notice of allowance for all the claims in the present application, in due course. Such action is now believed to be appropriate and proper and is thus respectfully requested.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have made of record a telephone interview conducted with the Examiner in charge of the present application. Applicants have additionally amended the claims in the manner discussed during the above noted interview so as to overcome the outstanding rejection. Accordingly, Applicants have provided a clear and convincing basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

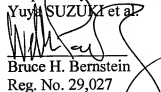
Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the rejected claims for consideration by the Examiner.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully Submitted,
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